

U.S. Department of Justice  
United States Marshals Service

Case 1:07-cv-08326-RPP Document 9 Filed 01/09/2008 Page 1 of 3

PROCESS RECEIPT AND RETURN  
See instructions for "Service of Process by the U.S. Marshal"  
on the reverse of this form.

PLAINTIFF <b>UNITED STATES OF AMERICA</b>		COURT CASE NUMBER 07 Civ. 8326	
DEFENDANT <b>\$42,000.00 in funds formerly held at Westchester BMW in the name of Elvin Concepcion, and any and all property traceable thereto</b>		TYPE OF PROCESS Publication	
SERVE ▶	NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC., TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN USMS - SDNY		
	ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code) 500 Pearl Street, New York, New York 10007		
AT			
SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW:			
MICHAEL J. GARCIA, U.S. ATTORNEY - SDNY UNITED STATES ATTORNEY'S OFFICE SOUTHERN DISTRICT OF NEW YORK  ONE SAINT ANDREW'S PLAZA New York, NY 10007-1703  ATTENTION: Corinne L. Scalogna/FSA Paralegal		Number of process to be served with this Form - 285  Number of parties to be served in this case  Check for service on U.S.A.	

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVER (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available For Server):  
Fold

Please publish the following notice of publication in a newspaper of general circulation once for one week.

CATS #07-DEA-483566

Please return to paralegal Corinne L. Scalogna, 212-637-1064

Signature of Attorney or other Originator requesting service on behalf of: AUSA ANNA E. ARREOLA <i>Anna E. Arreola/ps</i>	<input checked="" type="checkbox"/> PLAINTIFF <input type="checkbox"/> DEFENDANT	TELEPHONE NUMBER 212-637-2218	DATE 10/3/07
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SPACE BELOW FOR USE OF U.S. MARSHAL ONLY - DO NOT WRITE BELOW THIS LINE

I acknowledge receipt for the total number of process indicated. (Sign only first USM 285 if more than one USM 285 is submitted)	Total Process	District of Origin No. 54	District to Serve No. 54	Signature of Authorized USMS Deputy or Clerk <i>Samuel MW</i>	Date 10/4/07
I hereby certify and return that I <input type="checkbox"/> have personally served, <input type="checkbox"/> have legal evidence of service, <input checked="" type="checkbox"/> have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above or on the individual, company, corporation, etc., shown at the address inserted below.					
<input type="checkbox"/> I hereby certify and return that I am unable to locate the individual, company, corporation, etc., named above (See remarks below)					
Name and title of individual served (if not shown above)				A person of suitable age and discretion then residing in the defendant's usual place of abode.	
Address (complete only if different than shown above)				Date of Service 11/30/07	Time am
				Signature of U.S. Marshal or Deputy <i>Samuel MW</i>	
Service Fee	Total Mileage Charges (including endeavors)	Forwarding Fee	Total Charges	Advance Deposits	Amount owed to U.S. Marshal or Amount of Refund

REMARKS 11/30/07 - Notice was published in the New York Law Journal on October 11, 2007. (copy attached)

## STATE OF NEW YORK

County of New York, s:

U.S. SHERRIFF COPY

USA-33s-100-NOTICE OF  
CIVIL FORFEITURE  
PROCEEDING Rev. 11/94

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF  
NEW YORK—On September  
24, 2007, the United States of  
America commenced a civil  
action demanding forfeiture,  
pursuant to 18 U.S.C. § 981 (a)  
(1) (A) and 21 U.S.C. § 881 (a)  
(6), of \$42,000.00 in funds for-  
merly held at Westchester  
BMW in the name of Elvin  
Concepcion, and any and all  
property traceable thereto.  
07 Civ. 8326

Notice is hereby given that  
all persons claiming the same  
or knowing or having any-  
thing to say why the same  
should not be forfeited pursu-  
ant to the prayer of said com-  
plaint, must file their claim in  
accordance with the Supple-  
mental Rules for Admiralty  
or Maritime Claims and Asset  
Forfeiture Actions with the  
Clerk of the Court, in Room  
120, United States Court  
House, 500 Pearl Street, New  
York, New York, by Novem-  
ber 12, 2007, which is 30 days  
after the last publication of  
this action or within such ad-  
ditional time as may be al-  
lowed by the Court, and must  
serve their answers within 20  
days after the filing of their  
claims, or default and forfei-  
ture will be ordered. Any per-  
son with an interest in the  
property may also wish to file  
a petition for remission or  
mitigation of the forfeiture,  
as provided for in Title 28,  
Code of Federal Regulations,  
and failure to file such a peti-  
tion may affect any rights that  
a person claiming an interest  
in the property may have with  
respect to this property.  
Dated: New York, New  
York October, 2007

MICHAEL J. GARCIA  
U.S. Attorney/SDNY

JOSEPH R. GUCCIONE  
U.S. Marshal/SDNY

901744

011-1t

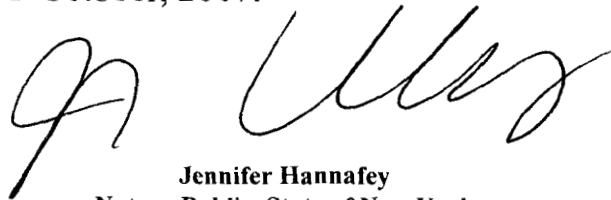
Cynthia Byrd, being duly sworn, says that she is the PRINCIPAL  
CLERK of the Publisher of the **NEW YORK LAW JOURNAL**, a  
Daily Newspaper; that the Advertisement hereto annexed has been  
published in the said **NEW YORK LAW JOURNAL** one time on  
the 11th day of October, 2007.

TO WIT: OCTOBER 11, 2007



SWORN TO BEFORE ME, this 11th day }

Of October, 2007.



Jennifer Hannafey  
Notary Public, State of New York  
No. 01ha6128042  
Qualified in Richmond County  
Commission Expires June 09, 2009

RECEIVED  
OCT 11 2007  
U.S. SHERRIFF

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

-v-

\$42,000.00 IN FUNDS FORMERLY HELD AT WESTCHESTER BMW IN THE NAME  
OF ELVIN CONCEPCION, AND ANY AND ALL PROPERTY TRACEABLE THERETO,

Defendant-in-rem.

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**PUBLICATION AFFIDAVIT**  
**07 Civ. 8326**

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MICHAEL J. GARCIA  
United States Attorney for the  
Southern District of New York  
Attorney for the United States of America  
One St. Andrew's Plaza  
New York, New York 10007  
(212) 637-2218

ANNA E. ARREOLA  
Assistant United States Attorney  
-Of Counsel-